

PHILIP C. OLSSON
RICHARD L. FRANK
DAVID F. WEEDA (1948-2001)
DENNIS R. JOHNSON
ARTHUR Y. TSIEH
STEPHEN D. TERMAN
MARSHALL L. MATZ
MICHAEL J. O'FLAHERTY
DAVID L. DURKIN
BRETT T. SCHWEMER
TISH E. PAHL
ROBERT A. HAHN (1958-2016)
EVAN P. PHELPS
GARY H. BAISE
FREDERICK H. BRANDING*
BRUCE A. SILVERGLADE
JOLYDA O. SWAIM
JONATHAN M. WEINRIEB
STEWART D. FRIED
ROGER R. SZEMRAJ
EDWARD J. FARRELL
JUR T. STROBOS, MD
ELLIOT BELILOS



Gary H. Baise - Principal
Direct (202) 518-6345 / gbaise@ofwlaw.com

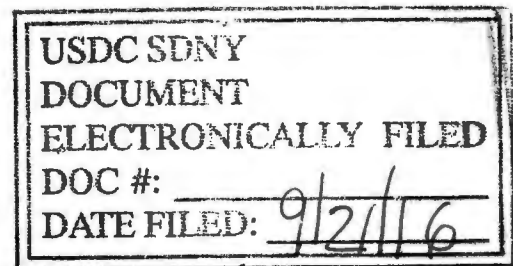
September 20, 2016

JOHN G. DILLARD
J. MASON WEEDA*
COUNSEL
ANSON M. KELLER
OF COUNSEL
KENNETH D. ACKERMAN
NANCY A. NORD
SENIOR POLICY ADVISORS
JOHN R. BLOCK
CHARLES W. STENHOLM
BETSY L. BOOREN, PhD
WILLIAM G. IMBERGAMO
GARY M. ZIZKA
SENIOR SCIENCE ADVISOR
NINA J. FEDOROFF, PhD
SENIOR TECHNICAL ADVISOR
J. J. CAPONE, MS, PhD
GOVERNMENT RELATIONS ADVISORS
PETER B. MATZ
EDEN SHIFERAW
MOLLY S. O'CONNOR

*PRACTICE WITHIN THE DISTRICT OF COLUMBIA
IS LIMITED TO MATTERS AND PROCEEDINGS
BEFORE FEDERAL COURTS AND AGENCIES

BY ELECTRONIC MAIL

Honorable Judge Robert Sweet
c/o Clerk of the Court
United States Courthouse
500 Pearl Street - Courtroom 18 C
New York, NY 10007-1312



Re: United States of America v. Steven Hoffenberg 94 cr 213 (RWS)

Dear Clerk of the Court:

Attached is a short Motion and Order to Vacate a hearing currently scheduled for September 22, 2016 before the Honorable Judge Robert Sweet. This short notice does not comport with Local Civil Rule 6.1. I have spoken to Mr. Chan in Judge Sweet's office regarding this request to vacate this hearing because the client changed his mind in asking for this clarification.

Thank you for your consideration.

Sincerely,

Gary H. Baise

GHB:mts
cc: Tsz M. Chan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES,

Plaintiff,

94 Cr. 213 (RWS)

- against-

**MOTION TO VACATE REQUEST FOR
CLARIFICATION TO AMEND ORDER OF
RESTITUTION**

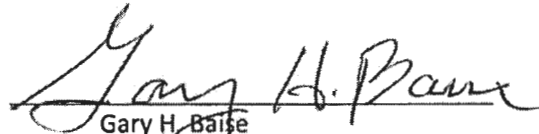
STEVEN J. HOFFENBERG

Defendant.

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On August 23, 2016 this court issued an Order for a hearing to be held on September 22, 2016 to hear defendant Steven Hoffenberg's request to amend language regarding restitution issues discussed on December 5, 2013 in a hearing before this court. In a letter dated August 12, 2016, attached, defendant had requested the courts guidance regarding how to proceed in terms of seeking clarification of the record between the court and Mr. Hoffenberg's counsel regarding contact with Towers Investment victims.

Defendant no longer seeks to amend the order of restitution and requests the hearing of September 22, 2016 be vacated.



Gary H. Baise
Attorney for Defendant
OFW Law
600 New Hampshire Avenue, NW
Suite 600
Washington, D.C. 20037

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES,

Plaintiff,

94 Cr. 213 (RWS)

-against-

STEVEN J. HOFFENBERG

Defendant.

-----X

**ORDER GRANTING MOTION TO VACATE HEARING SCHEDULED FOR SEPTEMBER 16, 2016 FOR
CLARIFICATION TO AMEND ORDER OF RESTITUTION**

IT IS HEREBY ORDERED that the Motion to Vacate Hearing for Clarification to Amend Order of Restitution is hereby granted.

It is so ordered.

New York, NY
September ____, 2016

Robert W. Sweet
U.S.D.J

CERTIFICATE OF SERVICE

This is to certify that I have this day, September 21, 2016, served counsel for the opposing parties, named below, in the foregoing matter with copy of this motion in the U.S. Mail addressed as follows:

Richard A. Cooper
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, NY 10007

Alan Fraade
The Mintz Fraade Law Firm, P.C.
271 Madison Avenue- 12th Floor
New York, NY 10016

PHILIP C. OLSSON
RICHARD L. FRANK
DAVID F. WEEDA (1948-2001)
DENNIS R. JOHNSON
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EDWARD J. FARRELL
JUR T. STROBOS, MD
ELLIOT BELILOS



LAW
OLSSON FRANK WEEDA TERMAN MATZ PC

THE WATERGATE
600 NEW HAMPSHIRE AVENUE NW
SUITE 500
WASHINGTON, DC 20037

(202) 789-1212 • FAX (202) 234-3550
WWW.OFWLAW.COM

Gary H. Baise - Principal
Direct (202) 518-6345 / gbaise@ofwlaw.com

August 12, 2016

JOHN G. DILLARD
J. MASON WEEDA*
COUNSEL
ANSON M. KELLER
OF COUNSEL
KENNETH D. ACKERMAN
NANCY A. NORD
SENIOR POLICY ADVISORS
JOHN R. BLOCK
CHARLES W. STENHOLM
BARBARA J. MASTERS, DVM
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BY ELECTRONIC MAIL

Honorable Judge Robert W. Sweet
c/o Tsz M. Chan
United States District Court
Southern District of New York
500 Pearl Street - Courtroom 18 C
New York, NY 10007

Re: United States of America v. Steven Hoffenberg 94 CR 213 (RWS)

Dear Hon. Judge Sweet:

This letter is in regard to amendments and interpretations pertaining to Steven Hoffenberg's supervisory release requirements at the December 5, 2013 hearing in your courtroom.

Even though Mr. Hoffenberg's supervisory release requirements are coming to an end, I am requesting on Mr. Hoffenberg's behalf, that he be able to directly contact victims and parties to discuss his efforts regarding restitution. On page 30, line 15, at the hearing, your honor said the issue of restitution and past history regarding the victims of Mr. Hoffenberg's crime was a sensitive issue. The court stated "...so there will be no direct contact with any of the victims." The court went on to discuss with me circumstances where Mr. Hoffenberg could discuss the issue of restitution for the victims. The Court declared on page 34 of the transcript that Mr. Hoffenberg could not prevent somebody from calling him up. On line 9 of page 34, I responded to the court saying "the only item, when you said, no contact with the victims..." It is clear, given the colloquy the Court and I engaged in, Mr. Hoffenberg was to have no direct contact with his victims.

Letter to Honorable Judge Robert W. Sweet
August 12, 2016
Page 2



It is now necessary for Mr. Hoffenberg to have the ability to call, write, or have his counsel deal with the victims regarding restitution. At this late date, Mr. Hoffenberg does not want to violate either the spirit or the requirements this court set forth on December 5, 2013. I request the Court's guidance as to whether to file a motion requesting an amendment to the Court's statement in the transcript, request a hearing before your honor regarding the issue of contact with the victims, or whether the Court would approve Mr. Hoffenberg's contacting victims or their counsel in a response to this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Gary H. Baize'. Below the signature, the name 'Gary H. Baize' is printed in a small, sans-serif font.

GHB:mts

cc: Richard Cooper, Assistant United States Attorney, NY
Alan Fraade, Esq.
Steven Hoffenberg